

GUM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 28 AM 11:13

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Felix RODRIGUEZ-Sarmiento

Defendant


Magistrate Case No. '08 MJ 2292

MJD
DEPUTYCOMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Aliens
Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 26, 2008**, within the Southern District of California, defendant **Felix RODRIGUEZ-Sarmiento**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Esmeralda NAVA-Guzman**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).


SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me and subscribed in my presence, this **28th** day of **July, 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Elizabeth Rangel- Machuca, declare under penalty of perjury the following to be true and correct:

The complainant states that **Esmeralda NAVA-Guzman** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 26, 2008, at about 2:03 a.m., **Felix RODRIGUEZ-Sarmiento (Defendant)** waited at the vehicle entrance to make application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a 1990 GMC Suburban. Also apply for admission was his minor daughter and passenger (**Y.R.**). During pre-primary roving operations, a United States Customs and Border Protection (CBP) Canine Enforcement Officer along with his service human detector Dog approached the vehicle, Defendant and his daughter occupied; the human detector Dog instantly alerted to the rear right side passenger quarter panel. The CBP Canine Enforcement Officer asked Defendant to turn the vehicle off and requested the keys the ignition; Defendant complied. The CBP Canine Enforcement Officer asked Defendant if the truck was his, Defendant stated that it was and had owned the vehicle for three months. The CBP Canine Enforcement Officer asked Defendant for his entry documents and he handed him his form I-551 (Permanent Resident Card), California Drivers License and provided a Certification of Vital Record, issued by the state of California, as proof of his daughter citizenship. Defendant was questioned regarding his purpose for traveling to Mexico and he state he was visiting family members for the day. The CBP Canine Enforcement Officer took a negative customs declaration from Defendant. The CBP Canine Enforcement Officer notified officers in secondary inspection of the alert and proceeded to escort the vehicle and occupants to secondary for further inspection.

In secondary, CBP Officers located two non-factory compartments on each side of the GMC Suburban's quarter panel. The left side quarter panel compartment was empty while the right side panel contained a human being. CBP Officers forcefully pulled on the interior liner of the quarter panel, exposing and freeing a trapped female. The female was found resting with her feet extended towards the front of the vehicle and her head pointing towards the back end of the vehicle. An examination of the compartment reveled the quarter panel had been hollowed out, creating sufficient space to conceal the female within. The spacing was layered with insulation material. The female was determined to be citizens of Mexico without legal documentation to enter the United States. The undocumented alien was retained as a material witness and is now identified as **Esmeralda NAVA-Guzman (Material Witnesses)**.

PROBABLE CAUSE STATEMENT Cont...

Felix RODRIGUEZ-Sarmiento

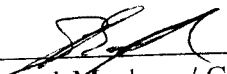
SYS-08-07-400/A92 126 213

PROBABLE CAUSE STATEMENT Cont...**Felix RODRIGUEZ-Sarmiento****SYS-08-07-400/A92 126 213**

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit of counsel. Defendant stated Material Witness was his relative however was unable to explain how she was related to him and denied he was aware Material Witness was concealed within his vehicle. Defendant admitted he is the registered owner of the vehicle but was unaware a non-factory compartments existed within the vehicle.

On separate videotaped interviews, material witnesses admitted she is a citizen of Mexico without legal documentation to enter into United States. Material Witness stated she made arrangements to be smuggled into the United States and agreed to pay \$3,500.00 USD. Material Witness admitted a man who introduced himself as "Felix" assisted her into the quarter panel compartment. Material Witness admitted she was unable to extricate herself out of the compartment. Material Witness admitted she was going to Los Angeles, California to seek employment.

Executed on this **26** day of **July 2008** at **1600**.


Elizabeth Rangel Machuca/ CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of **(2)** page(s), I find probable cause to believe that the defendant named therein committed the offense on **July 26, 2008** in violation of Title 8, United States Code, Section 1324.

MAGISTRATE JUDGE

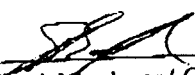
DATE / TIME

PROBABLE CAUSE STATEMENT Cont...**Felix RODRIGUEZ-Sarmiento**
SYS-08-07-400/A92 126 213

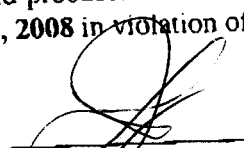
During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit of counsel. Defendant stated Material Witness was his relative however was unable to explain how she was related to him and denied he was aware Material Witness was concealed within his vehicle. Defendant admitted he is the registered owner of the vehicle but was unaware a non-factory compartments existed within the vehicle.

On separate videotaped interviews, material witnesses admitted she is a citizen of Mexico without legal documentation to enter into United States. Material Witness stated she made arrangements to be smuggled into the United States and agreed to pay \$3,500.00 USD. Material Witness admitted a man who introduced himself as "Felix" assisted her into the quarter panel compartment. Material Witness admitted she was unable to extricate herself out of the compartment. Material Witness admitted she was going to Los Angeles, California to seek employment.

Executed on this 26 day of July 2008 at 1600.


Elizabeth Rangel Machuca/ CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) page(s), I find probable cause to believe that the defendant named therein committed the offense on July 26, 2008 in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

7/26/08-5PM
DATE / TIME